

**IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE
DISTRICT OF TENNESSEE AT NASHVILLE**

DONALD MUDGETT and JANIE)
MUDGETT,)
Plaintiffs,) No.
v.) JUDGE _____
INFINITY EXPRESS INC. and) MAGISTRATE JUDGE _____
VITALY STEFANOVICH,) JURY DEMAND
Defendants.)

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1332, 1441, and 1446, Defendant, Infinity Express, Inc., by counsel, files this Notice of Removal of this action from the Circuit County Court in Davidson County, Tennessee, where it is now pending, to the United States District Court for the Middle District of Tennessee based upon diversity of citizenship and an amount in controversy exceeding \$75,000.00. The grounds for removal are as follows:

Procedural Background

1. This action was commenced on or about October 7, 2021 by Plaintiffs' filing of the Complaint in the Davidson County Circuit Court in Davidson County, Tennessee, Case No. 21C1741 (the "Complaint"). True and accurate copies of the pleadings filed in this action and summons are attached as *Exhibit A*.

2. The Complaint was served on Infinity Express, Inc. on October 16, 2021. The Notice of Removal is being filed within thirty (30) days after service of the Complaint in the matter; therefore, the removal is timely in accordance with 28 U.S.C. § 1446.

3. The Complaint contains allegations of negligence. The amount in controversy exceeds \$75,000.00 as the *ad damnum* in the Complaint is \$5,000,000.00.

4. The Plaintiffs are citizens and residents of Davidson County, Tennessee.

5. The Defendant, Infinity Express, Inc. is a corporation organized under the laws of Pennsylvania, and its principal place of business at the time of the accident referenced in the Complaint was 18 Fir Drive, Richboro, Pennsylvania 18954. The Defendant, Vitaly Stefanovich, is a citizen and resident of the State of New York.

6. The United States District Court for the Middle District of Tennessee has original jurisdiction over this action pursuant to 28 U.S.C. § 1332 as there is complete diversity of the parties, and the amount in controversy exceeds \$75,000.00 exclusive of interest and costs.

7. A copy of this Notice of Removal is being served by U.S. mail on the Plaintiff, and a Notice of Filing of Notice of Removal is being filed with the Davidson County Circuit Court in Nashville, Tennessee, in accordance with 28 U.S.C. § 1446(d). Copies of those notices are attached as *Exhibit B*. The necessary filing fees have been paid simultaneously with the filing of the Notice of Removal.

8. Defendant, Infinity Express, Inc. demands a jury to try this case.

WHEREFORE, Defendant, Infinity Express, Inc. prays this Court consider the Notice of Removal as provided by law governing removal of cases to this Court and that this Court enter the appropriate orders to effect the removal of this case from the Davidson County Circuit Court in Nashville, Tennessee to this Court.

Respectfully submitted,

/s/ David A. Chapman
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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this the 12th day of November, 2021, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

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and

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/s/ David A. Chapman

David A. Chapman